

REMARKS

Claims 1, 3-11, 13-18 and 20-23 are currently pending in the subject application and are presently under consideration. In view of the newly cited reference Hinckley *et al.* (U.S. 7,173,637) and new ground(s) of rejection, Applicants' representative respectfully requests the finality of the Office Action dated April 14, 2008, be removed. Specification has been amended as shown on pages 2-4. Entry of the amendments is respectfully requested since they remove issues in the event of an appeal, do not require further searching, and/or place the subject application in condition for allowance.

Applicants' representative thanks the Examiner for the courtesies extended during the telephonic interview on May 21, 2008, in which the rejections of claims 1, 3-11, 13-18 and 20-23 under 35 U.S.C. §103(a) were discussed. It was agreed that Hinckley *et al.* is not citable art under 35 U.S.C. §103(c), and a new Final Office Action would be forthcoming.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 3-11, 13-16, 22 and 23 under 35 U.S.C. §103(a)

Claims 1, 3-11, 13-1 6, 22 and 23 are rejected under 35 U.S.C. 103(a) as being obvious over Card *et al.* (U.S. 7,069,518) in view of Johnson *et al.* (U.S. 2003/0132953) in further view of Fredlund *et al.* (U.S. 2003/0128287) in further view of Hinckley *et al.* (U.S. 7,173,637). Applicants' representative respectfully requests this rejection be removed for at least the following reasons.

Hinckley *et al.* is not citable prior art with respect to the present application. The following is a quotation of 35 U.S.C. §103(c) which forms at least one basis for withdrawal of this rejection:

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of Hinckley *et al.* and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to Microsoft Corporation. Therefore, Hinckley *et al.* is not a citable reference with respect to the subject application. In view of the foregoing, the rejection should be withdrawn.

II. Rejection of Claims 17, 18, 20 and 21 under 35 U.S.C. §103(a)

Claims 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being obvious over Card *et al.* (U.S. 7,069,518) in view of Fredlund *et al.* (U.S. 2003/0108287) in further view of Hinckley *et al.* (U.S. 7,173,637). Applicants' representative respectfully requests this rejection be removed for at least the following reasons.

Hinckley *et al.* is not citable prior art with respect to the present application. The following is a quotation of 35 U.S.C. §103(c) which forms at least one basis for withdrawal of this rejection:

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of Hinckley *et al.* and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to Microsoft Corporation. Therefore, Hinckley *et al.* is not a citable reference with respect to the subject application. In view of the foregoing, the rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP544US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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